**HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**

**R.S.A No.3002 of 2005**
**Date of decision : 19.3.2007**

**Smt.Thari Bai** **.....Appellant**

**versus**

**Haryana State and others** **.....Respondents**

**CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.**

Present : Mr.D.K.Khanna, Advocate for the appellant.
Mr.Madan Gupta, Sr.DAG, Haryana for respondent Nos.1 to 3
Mr.Puneet Lekha, Advocate for respondent No.4.
Mr.Ishwar Lal, Advocate for Bhakhra Bias Management Board

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**ORDER**

**HEMANT GUPTA, J.**

The plaintiff is in second appeal aggrieved against the judgment and decree passed by the Courts below whereby her suit for injunction seeking restraint order against the defendants in respect of plot marked as ABCD, was dismissed.

It is the case of the plaintiff that he entered into an agreement to sell dated 13.1.1960 with Sudama Ram. Plaintiff is in possession of the suit property as prospective vendee. It has been found by both the Courts below that no land was allotted to Sudama Ram and that even the agreement propounded by the plaintiff does not bear the signatures of Sudama Ram. In view thereof, it was found that the plaintiff has not been able to prove her possession as no document has been produced on record to show that the plaintiff is in possession of the suit land. Thus, both the Courts below have dismissed the suit.

Learned counsel for the appellant has vehemently argued that the appellant is in possession of the suit land for the last 47 years and, therefore, she is entitled to protect her possession. However, the said argument is meaningless as both the Courts below on the basis of proper appreciation of evidence, returned a finding that the plaintiff has not been able to prove his possession over the suit property on the basis of the alleged agreement. Learned counsel for the appellant could not refer to any document whereby the possession of the plaintiff over the suit property could be established.

Therefore, I do not find any illegality or irregularity in the findings recorded by the Courts below which may give rise to any substantial question of law for consideration of this Court in second appeal.

Dismissed.

**(HEMANT GUPTA)**
**JUDGE**

**March 19, 2007**
**mohinder*